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Friday, 31 October 2003, 3 p.m.
New York

President: The Hon. Julian R. Hunte ..... (Saint Lucia)

In the absence of the President, Mr. Kirn (Slovenia), Vice-President, took the Chair.

The meeting was called to order at 3.10 p.m.

Agenda item 108 (*continued*)

Crime prevention and criminal justice

Report of the Ad Hoc Committee for the Negotiation of a Convention against Corruption on the work of its first to seventh sessions (A/58/422 and A/58/422/Add.1)

Draft resolution (A/58/422, para. 103)

The Acting President: I give the floor to the representative of China, who will speak on behalf of the Group of Asian States, to introduce the draft resolution contained in document A/58/422, paragraph 103.

Mr. Zhang Yishan (China) (*spoke in Chinese*): I am speaking on behalf of the Group of Asian States.

Today the General Assembly will adopt the draft United Nations Convention against Corruption. This is an important moment for the international community, because the draft Convention we are going to adopt is a very important legal instrument that represents the crystallization of the international community's efforts to preserve the international legal system and to combat corruption.

The States members of the Asian Group welcome the success of the Ad Hoc Committee for the Negotiation of a Convention against Corruption. We express our appreciation for the arduous efforts and cooperative spirit of the delegations participating in the negotiations. We would also like to express our thanks to the United Nations Office on Drugs and Crime for its help. We wish further to express our appreciation for the enormous contribution that Ambassador Héctor Charry Samper of Colombia, the late Chairman of the Ad Hoc Committee, made to the drafting of the Convention. Although he has left us, his spirit, enthusiasm and contributions will encourage us to better carry out the fight against corruption.

The States members of the Asian Group support the General Assembly's adoption of the draft resolution on the United Nations Convention against Corruption, which is contained in paragraph 103 of document A/58/422. We also believe that the adoption of the draft Convention will contribute to enhancing the international community's fight against corruption.

Mr. Staehelin (Switzerland) (*spoke in French*): Switzerland welcomes the conclusion of negotiations in the Ad Hoc Committee for the negotiation of a Convention against Corruption, which marks a significant advance in the international effort to eradicate one of the greatest scourges of our time. The Government of Switzerland calls upon States to sign the Convention instrument as soon as possible.

The community of States will henceforth benefit from an additional important instrument to foster good

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governance. In that way, the Convention will make a substantial contribution to improving the rules governing international trade by introducing greater transparency and equity in transactions. For the first time, an international convention includes the principle of the obligatory return of illicitly acquired funds. My country welcomes that development, to which the delegation of Switzerland contributed very actively during the Committee's negotiations. That development is also in line with our well established practice vis-à-vis legal cooperation and the return of assets of politically exposed persons.

With regard to the return of illegally acquired assets, the establishment of new international standards and their conversion into international law is more than necessary. The comprehensive Convention against Corruption marks an undeniable step forward in the application of the fundamental principles governing our legal systems. It is also clear evidence of a desire to strengthen equality in our societies.

Mr. Lobach (Russian Federation) (*spoke in Russian*): May I first of all thank Ambassador Muhyieddeen Touq of Jordan, Acting Chairman of the Ad Hoc Committee for the Negotiation of a Convention against Corruption, for introducing to the General Assembly the Committee's report (A/58/422 and Add.1) on its work. I would also like to join others in expressing condolences on the death of Ambassador Héctor Charry Samper of Colombia, Chairman of the Ad Hoc Committee, who made a great personal contribution to the drafting of the Convention.

The Russian Federation is very pleased to note the successful completion of work on the draft Convention against Corruption. In our view, every aspect of the draft Convention against Corruption — which was prepared in a very short period of time — including the question of the repatriation of financial resources acquired in an illicit manner, deserves very high praise. The Ad Hoc Committee took into account all approaches with demonstrated practical value in the context of combating corruption. The resulting text thus takes into account all aspects of the fight against corruption. It also significantly broadens the opportunities for effective cooperation among States in this area.

The Convention against Corruption is destined to rank among the other basic legal documents prepared under the auspices of the United Nations, both in terms of the importance and innovative nature of its main provisions and in terms of the variety of mechanisms to be brought into play to fulfil the aims and purposes of the Convention.

The question of the repatriation of assets illicitly acquired and illegally exported across borders is a priority for our country. We believe that the existence of effective mechanisms to counter money-laundering and of procedures to provide for the return of assets illegally acquired through corruption is highly desirable. In that regard, we note with satisfaction that the draft Convention contains the necessary mechanisms to strengthen the overall fight against international corruption and to detect, confiscate and return illegally acquired assets, as well as provisions for the prevention of the transfer of resources illegally acquired through corruption. We hope that those key provisions of the draft Convention will work in practice.

In conclusion, I would like to express our hope for the success of the High-level Political Signing Conference for the Convention, which will held in Merida, Mexico, in December. We hope that this important international instrument will quickly enter into force.

Mr. Oratmangun (Indonesia): On behalf of my delegation, I would like to thank the Ad Hoc Committee for the report we have before us on the work it did to produce the Convention against Corruption. My delegation notes that it took the Committee less than two years to complete work on the proposed Convention, which is, without a doubt, a truly effective, comprehensive and workable legal instrument as it stands. We therefore take this opportunity to commend the Committee for the high level of efficiency with which it has fulfilled its mandate.

Because no society is immune from the scourge of corruption, Indonesia welcomes the adoption of the Convention against Corruption as an important legal instrument that will be available to all societies to combat this evil. Indeed, the basic premise of the Convention is that positive action must be taken by all segments of society for social and economic justice to prevail.

A society inflicts injury on itself if it is aware that there is corruption in its midst, yet it tolerates it as a necessary evil of politics. Politics is about the public

good, not private gain for crooked politicians and businessmen. Developing countries, especially those burdened with debt, can ill afford to suffer the economic and social losses caused by corruption. Any developing country that is casual about corruption will put its progress at risk.

Not only does corruption cause a haemorrhage of funds needed for investment to promote sustainable development, but it threatens the fabric of society in many ways. It undermines democracy, can destabilize Governments, taints public service, and can, in the long run, breed poverty. Because of its connection to organized crime, corruption can also lead to increased violence in society — and without peace, societies cannot concentrate on their development goals.

What this means is that there must be national and international efforts to combat the scourge of corruption. The Convention does just that. Its provisions call for collaboration within, between and among nations to prevent and combat the transfer of funds of illicit origin derived from acts of corruption. More than that, it approaches corruption through the doorway of good governance, including among its many provisions activities that will encourage transparency and accountability in public- and private-sector affairs.

However, for international efforts to be strong and effective, national and regional efforts also must be strong and effective. While Indonesia firmly supports international cooperation such as extradition and mutual legal assistance between States, and, while it has been involved in regional activities to combat corruption, it has also taken decisive legal steps in recent times to combat corruption at home. To deal with corruption and prevent the transfer of funds derived from acts of corruption, the Government of Indonesia passed Law No. 31 in 1999, later amended and improved by Law No. 20 in 2001. By Law No. 30/2002, it established an anti-corruption commission and passed Law No. 15/2002 to counteract money laundering, and its amendment has removed the $500 million threshold. An independent financial intelligence unit to prevent and eliminate money laundering also has been set up. In that same year, the Government also initiated action to establish the National Coordination Committee on Money Laundering.

Indonesia is therefore very pleased that the Ad Hoc Committee has completed work on the Convention against Corruption. The Convention is a significant instrument available to nations in their fight to eliminate corruption at the national and international levels. Its true value will be known only when the Convention is signed, ratified and implemented by all States. Indonesia is committed to achieving those objectives in due course.

In that regard, Indonesia welcomes the convening in December this year, in Merida, Mexico, of the High-Level Political Signing Conference for the United Nations Convention against Corruption.

Mr. Bin Rindap (Nigeria): The draft Convention against Corruption which is before us is a milestone in the history of the United Nations. It marks the fulfilment of the mandates set out by the General Assembly in its resolutions 55/61 and 56/260 of 4 December 2000 and 31 January 2002, respectively. The interest shown by all delegations during the negotiations, which spanned seven sessions, was an indication of the transboundary nature of the scourge of corruption, which transcends all countries and all regions.

The Convention is the only broad-based instrument that attempts to tackle, for the first time, all aspects of corruption, including money laundering. It addresses corruption in both the public and private sectors. We particularly welcome the provisions of the chapters on prevention and on assets recovery.

Nigeria shares the view expressed by the Secretary- General at the conclusion of the negotiations that the Convention can make a real difference to the quality of life of millions of people around the world. That is because we believe that the proceeds of corruption concealed in foreign countries far exceed the amount received in terms of official development assistance.

The provisions of chapter V on asset recovery are of particular importance to Nigeria in view of our experience as a victim State. To us, this is the crux of the Convention. Also of key importance is international cooperation, particularly in the area of mutual legal assistance in the tracing, confiscating and transfer of assets of illicit origin to the countries of origin. We are convinced that the prevention and eradication of corruption is the responsibility of all States, because its negative effects have an impact on all countries and

societies — hence the need for international cooperation to combat it.

The purpose of the Convention is to promote and strengthen measurers to prevent and combat corruption more efficiently and effectively. The Convention is a useful tool for enhancing national mechanisms to fight corruption. For my country, it will enhance the implementation of our Government's anti-corruption measures.

Corruption is a threat to sustainable development and to the rule of law. It is also a threat to the enjoyment of human rights and fundamental freedoms for all and deprives the victim countries of much-needed funds for development. We call upon all countries to sign and ratify the Convention to enable it to come into force as soon as possible. We call also upon those countries harbouring proceeds of corruption and assets of illicit origin to remove all obstacles and return any concealed assets to their countries of origin. They should demonstrate their commitment to the fight against corruption by providing much-needed mutual legal assistance to those States that request it.

Mr. Ozawa (Japan): The United Nations Convention against Corruption has taken almost three years to elaborate. Through its adoption today, we will be taking a great step forward in combating corruption, which is a type of misbehaviour common to all our societies, regardless of the level of economic development. We would like to reiterate our appreciation to all those who were involved in the negotiations for their unparalleled efforts, and especially to the late Chairman of the Ad Hoc Committee for the Negotiation of a Convention against Corruption, Ambassador Samper, for his devotion to completing this task. His sudden death in September, just before the conclusion of the negotiations, was a great loss and saddened all of us.

The comprehensive convention before us today is the first universal legal instrument against corruption. Japan, as an Asian country, particularly welcomes this development as Asia has no regional instrument to address that problem.

The Convention contains a wide range of preventive measures that are essential in promoting government transparency and accountability. The next step after its adoption will be for each Member State to turn their attention to implementing the Convention effectively, both domestically and internationally.

We would also like to touch on the importance of preventing and combating what is called "passive bribery" by public officials in international organizations, including the United Nations. To this end, we believe a truly effective and efficient framework — one that takes the privileges and immunities of United Nations officials into account — is necessary to comprehend and analyse the current situation in regard to this type of corruption.

Finally, I would like to take this opportunity to offer an example of the contribution that Japan can make in this area. In Tokyo, we have established the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders. This regional organization is dedicated to establishing, through dialogue and deliberation, international cooperation to address issues relating to criminal justice, including corruption.

I wish to close by expressing the hope that the Convention will be adopted as the culmination of our efforts over the past three years.

Mr. Paulinich (Peru) (*spoke in Spanish*): Peru would like to say how pleased and satisfied it is with the conclusion of the work of the Ad Hoc Committee for the Negotiation of a Convention against Corruption and that we now have before us a draft United Nations Convention against Corruption for consideration and adoption in the General Assembly.

Peru reaffirms its abiding commitment to eliminate corruption in all its forms and manifestations and at all levels. Corruption has a serious effect on society's structures, it impairs democracy and weakens institutions and the rule of law. It also seriously impedes the mobilization and efficient allocation of resources and imperils sustainable development, particularly when an inadequate national and international response to corruption abets impunity.

My country suffers directly from the effects of corruption, but we were able to thwart it at an early stage and are now dealing with the crime squarely, as can clearly be seen in the domestic measures that my Government has implemented and in our full support for the decision to prepare an international instrument against corruption.

Corruption crosses borders and imperils not only directly affected nations, but also the international community as a whole, developed and developing

countries alike. The international nature of the problem calls for a joint response that involves us all: Governments, international and non-governmental organizations and civil society.

In the struggle against corruption international cooperation is indispensable. On the one hand, there must be a prompt and unconditional return of assets of illicit origin. On the other hand, only with such cooperation can there be effective judicial assistance to bring corrupt individuals to justice and to prevent impunity from taking root, discouraging the rule of law and democratic values in our societies.

Despite the efforts undertaken by a number of Governments at the regional level to deal with corruption and the instruments designed to that end, the transnational nature of the problem and the resulting need for a response by the entire international community led United Nations Member States to unanimously decide to elaborate a universal, comprehensive convention against corruption and to set up an Ad Hoc Committee for that purpose, under resolution 55/61 of 4 December 2000.

Two years after this task was undertaken, we are gratified to say that the negotiations on the Vienna draft convention have now been successfully concluded. The new instrument is of historic significance because it goes beyond current standards in international law, innovating particularly with regard to the recovery of assets — a chapter in the convention for which Peru, as vice chair of the Committee, was responsible.

The measures to ensure the recovery of funds are binding in nature and call for the establishment of machinery to enable countries — particularly developing ones — whose assets of illicit origin have been transferred abroad, to be able to recover them through coordinated efforts of multilateral institutions such as the United Nations, particularly the United Nations Office on Drugs and Crime, and the World Bank.

Additionally, the draft convention contains other indispensable elements in our struggle against corruption, such as preventive measures, legal assistance to prosecute wrongdoers, and the expeditious extradition of corrupt individuals.

Thus, we urge all countries to show political will by participating at the highest possible level in the signing ceremony to be held from 9 to 11 December in Mérida, Mexico, so that we may work together and attain the 30 ratifications necessary for the convention to enter into force.

In Monterrey, we agreed that combating corruption at all levels was a priority. All of our Governments must now take up the challenge to fight corruption together on all fronts.

Mr. Goussous (Jordan) (*spoke in Arabic*): It is a pleasure to extend the thanks of my delegation to the Ad Hoc Committee for the Negotiation of a Convention against Corruption for their tremendous efforts over the past two years. Their work has led to the elaboration of a comprehensive and pragmatic convention to combat corruption at both the international and national levels, embodying the will and determination of the international community to take all appropriate measures to put an end to the scourge of corruption.

I would like to extend my thanks, particularly to the members of the Committee, who have led the negotiations on the draft convention which we are considering today in this international forum. We have added a new tool to international efforts aimed at combating crime in all its forms. That effort began here three years ago, when we adopted the United Nations Convention against Transnational Organized Crime.

As is well known, corruption is a phenomenon that is spreading in all countries and communities and is even becoming a transnational issue that national efforts alone cannot combat. The United Nations Convention against Corruption therefore opens up new prospects to combat corruption through international cooperation and the exchange of information. Corruption undermines the pillars of society and seriously harms any effort aimed at development. It also destabilizes moral values and standards and contradicts the principle of good governance, which constitutes one of the most important pillars of progress. Combating corruption therefore requires the comprehensive and multidisciplinary approach provided by the Convention we are considering today.

In addition to dealing extensively with money laundering and comprehensively addressing various manifestations of corruption, the Convention includes chapters on the control and prevention of corruption and on the return of property, thus establishing the basis for an organized international effort that may

serve as an example for future instruments. It is therefore imperative that we endorse and ratify the Convention as soon as possible. Before doing that, however, all States must make every effort to attend the high-level political Signing Conference to be held in Merida, Mexico, in December.

In conclusion, I must say that the international community has honoured my country by selecting our Permanent Representative to the United Nations in Vienna as the Chairman of the negotiating Committee. That serves to redouble our country's sense of responsibility with regard to combating corruption at the national level, which we started seriously some time ago, and to working with the international community on this important issue. I should also say that my country will take this matter very seriously.

I would also like to convey my gratitude to the Secretary-General for his support of the work of the Ad Hoc Committee for the Negotiation of a Convention against Corruption. I also appreciate the support provided during the past two years by the Office for Drug Control and Crime Prevention in Vienna under the leadership of Mr. Antonio Maria Costa.

Mr. Strømmen (Norway): Norway joins previous speakers in paying tribute to the late Ambassador Héctor Charry Samper of Colombia.

The fight against corruption must take place at two levels, the national and the international. The measures needed may not be the same at those two levels, but no country can overcome corruption nationally if it ignores the international aspects. International cooperation is imperative.

Norway therefore welcomes the adoption of the United Nations Convention against Corruption. We believe that that Convention, which is the first global instrument against corruption, is a milestone and that it will be key in the fight against the evils of corruption.

The Convention addresses many important issues, such as preventive measures, which are of great importance in combating corruption. We are also particularly pleased that private-sector corruption is included, although in a non-binding manner, and that the repatriation of illicit funds is finally covered by an international instrument.

As corruption is a global problem, it requires a global collective effort. The Convention provides a foundation for that. An effective United Nations instrument will serve as the necessary framework for better coordinated action. However, the Convention alone will not solve the problem unless it is effectively enforced.

To ensure that the Convention is implemented and legislation is enforced, it is vital to have an effective follow-up mechanism. Without such a mechanism we feel that the Convention will lack an essential element. We cannot allow the disparity between what is said and what is done to undermine the credibility of the Convention and the credibility of States in the fight against corruption. We therefore urge all States to ratify the Convention as soon as possible and to ensure its effective implementation through a sound and objective follow-up mechanism.

Mr. Dajer (Colombia) (*spoke in Spanish*): The introduction to the General Assembly, over which the President so ably presides, of the text of the United Nations Convention against Corruption barely two years after the establishment of the Ad Hoc Committee for the Negotiation of a Convention against Corruption is an event that reflects great dedication. Ambassador Héctor Charry Samper, an eminent Colombian citizen and diplomat by training, participated in the Ad Hoc Committee with great dedication since it first began to meet, its began to meet — from 21 January to 1 February 2002, when he was elected the Committee's Chairman by acclamation — until his death in the beginning of September 2003. Today the outcome of the Committee's combined efforts and teamwork, as well as the ideas presented there, have made it possible for us to consider a legal instrument whose 71 articles contain essential elements related to fighting corruption, which is a major enemy of democracy.

It is essential to have instruments such as this to contribute to effectively combating yet another evil threatening democracy and democratic institutions. We therefore invite all States to participate at the high-level political Signing Conference to be held in Merida, Mexico. That would be the greatest tribute that could be paid to the individual who worked closely with over 120 States to make the Convention a reality, Ambassador Héctor Charry Samper.

I would like to thank all his colleagues in the Ad Hoc Committee for remembering Ambassador Samper with such gratitude on this auspicious day. I would also like to thank everyone here. Rest assured that in adopting the draft resolution containing the Convention

we will be expressing the gratitude of our Governments and of his relatives.

Mr. Šerkšnys (Lithuania): On behalf of the Group of Eastern European States, I would like to welcome the imminent adoption of the United Nations Convention against Corruption. At the same time, I would like to express our appreciation for the work done in Vienna. This universal instrument is the outcome of almost two years of constructive dialogue in which 130 Governments took an active part.

Corruption is a particular criminal phenomenon that harms the economic and social foundations of States, and even of regions. In that regard, comprehensive action must be taken.

Once again, we highly commend the successful completion of negotiations. I also commend what I believe will be the adoption of the United Nations Convention against Corruption, which contains comprehensive provisions on prevention, law enforcement and the enhancement of relevant actions at the national and international levels. Along with other delegations, we are satisfied that today's international legal space will be enriched by that important document.

The Acting President: We have heard the last speaker in the debate on this agenda item.

We shall now proceed to consider the draft resolution recommended by the Ad Hoc Committee in paragraph 103 of its report contained in document A/58/422.

I give the floor to the representative of the Secretariat.

Mr. Botnaru (Chief, General Assembly Affairs Branch): Before taking action on the draft resolution recommended by the Ad Hoc Committee for the Negotiation of a Convention against Corruption, in paragraph 103 of its report (A/58/422), I should like to inform members that, in paragraph 5 of the draft resolution, the General Assembly would decide that the Ad Hoc Committee for the Negotiation of the United Nations Convention against Corruption will complete its tasks arising from the negotiation of the United Nations Convention against Corruption by holding a meeting well before the convening of the first session of the Conference of States Parties to the Convention.

The Ad Hoc Committee is expected to hold that meeting in 2005. The related conference servicing requirements are estimated to amount to $198,800 at full cost. Provisions have already been made for this meeting in the proposed programme budget for the biennium 2004-2005. Therefore, no additional appropriation would be required.

In paragraph 8, the Assembly would request the Secretary-General to designate the United Nations Office on Drugs and Crime to serve as the secretariat for and under the direction of the Conference of the States Parties to the Convention. Given the complex nature and wide scope of the functions that the secretariat will have to perform, it is considered that current staff resources would probably need to be strengthened after the Convention enters into force. It is not possible to assess at this stage the necessary staffing resources to fulfil Convention secretariat functions in accordance with article 64 of the Convention. The United Nations Secretariat would be in a position to make that assessment only in the light of the recommendations made by the Ad Hoc Committee at the preparatory meeting, to be held before the first session of the Conference of the parties, and the decisions that the Conference of the States Parties will take at its first session.

Given the importance attached by delegations to the Convention, the Secretariat estimates that the Convention may enter into force in the 2004-2005 biennium period and that the first session of the Conference of the States Parties would be held in 2006. Consequently, it may be anticipated that additional regular budget resources may be required to support article 64, on operations in the 2006-2007 biennium period.

In paragraph 9, the Assembly would also request the Secretary-General to provide the United Nations Office on Drugs and Crime with the resources necessary to enable it to promote in an effective manner the rapid entry into force of the United Nations Convention against Corruption, discharge the functions of the secretariat of the Conference of the States Parties to the Convention and support the Ad Hoc Committee in its work.

The proposed 2004-2005 biennium programme budget already includes resources to enable the Secretary-General to promote the rapid entry into force of the United Nations Convention against Corruption.

With regard to resources for the discharge of functions of the secretariat of the Convention, it may be noted that, while no immediate additional provisions are required, there will probably be additional requirements arising during the 2006-2007 biennium.

In the absence of any specification in the Convention of alternate modes of financing, such costs would need to be financed from the regular budget of the United Nations. This information will be reflected in a document of the General Assembly.

The Acting President: The Assembly will now take a decision on the draft resolution entitled "United Nations Convention against Corruption", recommended by the Ad Hoc Committee for the Negotiation of a Convention against Corruption in paragraph 103 of its report, document A/58/422.

May I take it that the Assembly decides to adopt the draft resolution?

The draft resolution was adopted (resolution 58/4).

The Acting President: The Assembly has thus concluded this stage of the consideration of agenda item 108.

Agenda item 42

Follow-up to the United Nations Year for Cultural Heritage

Report of the Secretary-General (A/58/402)

Draft resolution (A/58/L.11)

The Acting President: In accordance with General Assembly resolution 57/158 of 16 December 2002, I call on Mr. Koichiro Matsuura, Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO), to address and present an overview of the activities undertaken during the United Nations Year for Cultural Heritage.

Mr. Matsuura (United Nations Educational, Scientific and Cultural Organization) (*spoke in French*): I wish to thank you for giving me the opportunity to address this Assembly to take stock of the follow-up to the United Nations Year for Cultural Heritage. The opportunity offered to me today, which I think is the first in the history of our two institutions, will in fact go far beyond a simple briefing exercise.

On 21 November 2001, in this same Hall, the Assembly decided that 2002 should be devoted to celebrating cultural heritage. I warmly thank the initiator, Egypt, and all other countries that firmly supported the principle. The objective of that celebration was to make public authorities and the international community aware of the broadened concept of cultural heritage and of what is really at stake in that concept, which goes far beyond a focus on monuments, an approach to which that concept is often reduced. I think that we have succeeded in that.

Wole Soyinka, Nobel Prize Laureate in literature and UNESCO Goodwill Ambassador, recently stated,

(*spoke in English*)

> "The tendency to eradicate all vestiges of the humanity of others is crucial to the project of domination or diminution of status of others. At the heart of it lies intolerance, which is as much a child of ignorance as it is of fear of external knowledge, which frequently encompasses a suspicion that such knowledge may question one's own given".

(*spoke in French*)

What is cultural heritage? It is an open-ended notion that bears witness to the universality of human genius in its creation. It encompasses not only the many cultural remains, but also living culture and its countless examples, be it cultural landscapes, the fruit of interaction between human beings and their natural environment or even the new category called "intangible heritage". Belonging to that category are systems of knowledge in which human beings inscribe their creations, such as the performing arts, rituals, festive events, as well as their means of transmission such as social practices, traditional knowledge and oral traditions.

This broadened concept of cultural heritage reminds us that we can grasp cultural expression only as a whole. Tangible expressions of culture can be appreciated only in relation to other tangible expressions and by understanding their interactions with their tangible, intangible, natural and human environment. That was the first objective of the Year: to promote understanding and acceptance of a broadened notion of cultural heritage in order to appreciate its dynamic, global and evolving nature and

to be aware of the need to care for all its manifestations.

UNESCO has striven to provide the international community with legal instruments that address that multiplicity. With respect to tangible cultural heritage and immovable heritage, the success of the 1972 Convention for the Protection of World Natural and Cultural Heritage is unprecedented. It has been ratified by 176 States, making it one of the world's most universally ratified conventions. The Convention brought about an evolution in the concept of heritage, in particular by integrating the notion of cultural landscape and sacred natural sites. However, it did not completely fill the lacuna on the protection of intangible cultural heritage. That is why it is of great satisfaction to me to see the member States of UNESCO call for the adoption this year of the International Convention for the Safeguarding of the Intangible Cultural Heritage, demonstrating their awareness of the importance and urgency of preserving one of the most vulnerable and most fundamental aspects of cultural heritage. I hope that many States will rapidly ratify this new Convention and all conventions comprising the overall mechanism for protecting cultural heritage.

In the same spirit, I welcome the recent adoption of the UNESCO Declaration concerning the Intentional Destruction of Cultural Heritage, which States requested UNESCO to draft following the deliberate destruction of the Bamiyan Buddhas. In fact, the Hague Convention of 1954 applies only to the protection of cultural property in the event of armed conflict. It was therefore urgent to create an instrument to provide a moral and ethical reference point for the protection of cultural heritage in peacetime.

We can never overemphasize the importance of relentlessly fighting the illicit traffic in cultural property and the need for international cooperation in the form of the broad ratification of the 1970 UNESCO Convention against illicit traffic in cultural property and assistance in returning cultural property to its country of origin.

As a meeting place, heritage possesses the primary characteristic of diversity. That was the second objective of the Year: to create awareness of the broadened concept of heritage in all its rich diversity. As a result of its diversity of expression and diversity of influences and origins, it is a symbol of the cultural identity of peoples and communities and, at the same time, testimony of the collective memory of humanity and the conditions for humanity's future. That was the key message of the UNESCO Universal Declaration on Cultural Diversity, unanimously adopted in November 2001, which recalls that all efforts for development must be based on diversity.

There can be no development without participation, local empowerment and inclusion. Culture alone can encourage such participation. In order to involve local populations in determining their own requirements and development projects, we must recognize the diversity of approaches, choices and values that underpin development projects. In short, we must accept cultural diversity in the design of future societies. Culture cannot in any event be considered an option for possible inclusion in the material objectives of development. Only human capital, which is nourished and reinvigorated through cultural heritage, provides the basis for building and developing the societies of tomorrow. That is the key argument for the indivisibility of culture and development, which constitute a foundation of solidarity for the advancement of democracy and equality throughout the world. In that spirit, UNESCO's member States have just given us a mandate to prepare an international convention on the diversity of cultural content and artistic expression. In brief, culture cannot wait because it is central to any process for progress in the service of humanity.

Finally, the third purpose of the Year was to show how essential cultural heritage is to creating lasting peace. If the misappropriation of cultural property for the purpose of exclusion are so shocking to us today, it is undoubtedly because we have all realized its usefulness for social cohesion and for bringing whole cultural communities together.

I referred earlier to the Bamiyan Buddhas. I wish to recall the visit to UNESCO by President Karzai a few months after he assumed office in Afghanistan in the spring of 2002. In that meeting, he underlined that culture, alongside education, should constitute a pillar for the reconstruction of his country, thus demonstrating his deep understanding of the potential for social cohesion offered by cultural heritage and of the essential function it has for people, making it as elementary as health and nutrition needs.

Last week in Madrid, at the donors meeting for the reconstruction of Iraq, when the international community was gathered to organize international solidarity and demonstrate its commitment of responsibility to the future of Iraq, culture was placed alongside health and infrastructure on the list of priorities for development assistance. That echoed the vibrant plea made by Iraqi authorities in that connection.

Mr. da Fonseca (Cape Verde), Vice-President, took the Chair.

UNESCO is intervening more and more often in post-conflict situations, such as in Cambodia, South-Eastern Europe and, more recently, in the Democratic Republic of the Congo, Afghanistan and Iraq, in order to enable populations devastated by conflict to recover their common cultural identity and lay the foundation for rapprochement and reconciliation, which is indispensable for building a common future.

These objectives of the Year are based on the acceptance by all of an ethic of responsibility towards our cultural heritage. Acting together to preserve the heritage of cultural diversity in its past, present and future forms and for the sake of the dialogue it enables is, in effect, an individual and community responsibility. Each one of us, each citizen of the world, inherits his or her share of the common heritage and the right to enjoy it, along with the complementary and indissociable duty to understand and to transmit it.

That is why UNESCO so strongly insists on the need for genuine heritage education that will allow all generations, and young people in particular, to understand what is truly at stake and thereby to become the active and committed defenders of cultural heritage. That is why UNESCO also insists so strongly on the need for States to ratify international instruments designed to protect cultural heritage in its universality and to adopt national regulations to protect and safeguard their historic heritage and to encourage the growth of living cultures. It is in that way that international cooperation can assume its true meaning by forming a single global network and becoming a shared responsibility for a common heritage.

The Acting President: I call on the representative of Egypt to introduce draft resolution A/58/L.11.

Mr. Aboul Gheit (Egypt) (*spoke in Arabic*): We thank the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO) for his statement on UNESCO's activities during the course of the United Nations Year for Cultural Heritage last year.

I also thank UNESCO for all its efforts over the past decades to protect and preserve cultural humanitarian heritage. According to its statutes, it is entrusted with protecting, maintaining and strengthening the common heritage of mankind. Egypt still remembers with appreciation UNESCO's work in the 1960s to save the ruins in the Nile river basin in Nubia, southern Egypt. Such work represents not merely the storehouse of humankind's heritage, but also a future gift and a link in an interrupted chain of past cultural experiences — some successful, some less so — leading to today's progress and advancement. Protecting cultural heritage, however, entails not only its classification, registration and preservation in museums or on site, but also learning its eternal lessons to be transmitted to future generations, allowing humanity to march ever onward.

I should like to quote a saying that, I believe, is common to many cultures, regardless of the language they speak: "People remain alive so long as their own culture remains alive." When life is difficult and vicious or confused, when political conflicts arise out of cultural and civilizational diversity, we must return to our sources and make a clear distinction between politics and civilization. We must look within our cultural heritage to find our common roots and to move us beyond our conflicts and disputes. Every people, culture and civilization is bound by the task of further asserting the principle of the common origin and destiny of all peoples of the world.

Many countries, including Egypt, took a step in that direction by proclaiming 2002 the United Nations Year for Cultural Heritage. More than 40 countries from all the continents of the world, representing a broad range of cultures and civilizations, were involved. That demonstrates the self-evident nobility of the message and the purpose that have united representatives of those civilizations and cultures of every stamp towards the noble objective of preserving the common cultural heritage of mankind.

I have the pleasure of introducing to the General Assembly a draft resolution in document A/58/L.11,

drafted by the Egyptian delegation under the agenda item on the follow-up to the United Nations Year for Cultural Heritage. It has been prepared along lines similar to resolution 57/158. There are some minor differences, however. The operative paragraph 5, for example, refers to the resolution I have just mentioned. We have also added operative paragraph 1, in which the General Assembly takes note of the UNESCO activities undertaken during the United Nations Year for Cultural Heritage.

On behalf of the Egyptian delegation, I welcome the United States of America back to UNESCO.

The sponsors of the draft resolution are Belarus, Canada, China, Italy, Kuwait, Lebanon, Mongolia, New Zealand, the Republic of Korea, the Russian Federation, Thailand and Ukraine.

Mr. Zhang Yishan (China) (*spoke in Chinese*): At the outset, I wish to thank the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO) for his statement.

As an important embodiment of civilization and a historical witness of human development, cultural heritage reflects the arduous process of mankind's development and transformation of nature. It also demonstrates the brilliant wisdom and hard work of mankind in creating and developing civilization. It constitutes an invaluable wealth passed down by our ancestors. The adequate preservation and utilization of cultural heritage are a shared responsibility of the peoples of the world and play a significant role in deepening mutual understanding among nations and increasing exchanges among different cultures and civilizations.

We were pleased when the General Assembly, in resolution 56/8, proclaimed 2002 the United Nations Year for Cultural Heritage. It was a highly important and timely resolution and undoubtedly serves as a great support and encouragement for the international community in preserving cultural heritage. We are pleased to note that Member States have come a long way in their unremitting efforts to preserve the world's cultural and natural heritage. We commend and appreciate the irreplaceable role played by UNESCO in that endeavour. I should also like to take this opportunity to express our gratitude once again to the mission of Egypt for taking the initiative two years ago.

China supports the International Convention on the Preservation of the Intangible Cultural Heritage adopted recently by UNESCO's General Conference at its thirty-second session. Intangible cultural heritage is just as much a reflection of a nation's pride in its history and cultural identity as tangible cultural heritage. The acknowledgement and preservation of intangible cultural heritage are equally important tokens of the diversity of civilizations and social progress. We appeal to the international community to take immediate action, take stock of the existing intangible cultural heritage in all countries and regions, and make a list of all those projects designed to urgently salvage heritage with salient cultural features so as to fill the gap in the preservation of intangible cultural heritage throughout the world.

China has always supported and actively participated in international cooperation in the preservation of the world's cultural and natural heritage. Since China ratified the World Heritage Convention in 1985, we have achieved globally-recognized results in our intensified efforts to raise our people's awareness of the importance of preserving cultural heritage. Twenty-nine of China's cultural and natural heritage sites have been incorporated into the World Heritage List. In July next year, the twenty-eighth session of the World Cultural Heritage Conference will be held in Suzhou, a well-known and beautiful city of China. A Chinese saying describes the beauty of Suzhou like this: "There is paradise in heaven, there is Suzhou on Earth." It is most appropriate and beneficial for Suzhou to host such a Conference. It will serve to reinforce the efforts of the international community to preserve world cultural heritage. The Conference will also prepare a long-range plan for the preservation of world heritage in the twenty-first century. The Chinese Government stands ready to work with all sides to make the Conference a success and to make new contributions to the preservation of world heritage.

Mr. McIvor (New Zealand): The United Nations Year for Cultural Heritage was a celebration of our collective cultural and natural inheritance, of our global treasures and gifts. The celebration of that heritage did not end one year ago when the General Assembly officially brought the Year to a close.

Cultural heritage is part of what defines us and it is our gift to generations to come. Cultural heritage is global; it is owned by everyone. Similarly, protecting

our cultural heritage is the responsibility of everyone at the local, national, regional and global levels.

Mount Tongariro, in the North Island of New Zealand, together with its surrounding land, became New Zealand's first national park well over 100 years ago after having been gifted to the Government of New Zealand by Te Heuheu Tukino IV the then paramount chief of Ngati Tuwharetoa in 1887. It was the first of three New Zealand sites to be inscribed on the World Heritage List. Tongariro National Park is on the List as both a natural and cultural site, owing to its largely unspoiled natural landscape and strong indigenous cultural association. New Zealanders care deeply for Tongariro and are pleased to share it through the World Heritage Convention as part of the international community's collective cultural heritage.

New Zealand is committed to protecting not only our own natural and cultural heritage, but also that of our Pacific Island neighbours. The oceans and lands of the South Pacific cover almost one third of the Earth's surface. It is a region rich in cultural heritage, of which those of us from that part of the world are naturally very proud. This is a key reason why New Zealand decided to run for a seat on the World Heritage Committee and was successfully elected by member States at the General Conference of the United Nations Educational, Scientific and Cultural Organization earlier this month. Serving on the Committee is an opportunity for New Zealand and the wider community of Pacific Island nations to have their voices heard.

The New Zealand delegation to the World Heritage Committee — led by Paramount Chief Tumu Te Heuheu, descendent of Te Heuheu Tukino IV — will work to represent our home region, including all that it offers to the world's common cultural heritage. Tumu te Heuheu will work to develop a World Heritage programme for the region and we will be able to assist the nomination of World Heritage sites in Pacific Island countries. A number of ancient and historic sites in the region need sound management to ensure that they can continue to be enjoyed sustainably by those of our own neighbourhood and for coming generations. The programme would also maintain and preserve the sites for the global community to visit.

Finally, New Zealand is acutely conscious of the responsibilities that holding a seat on the World Heritage Committee brings with it. The Committee's objective of protecting the world's outstanding and precious monuments and heritage sites is as challenging as it is important. It involves action, including through ratification of the World Heritage Convention. By doing so, we can ensure that the objectives of the United Nations Year for Cultural Heritage are upheld.

Mr. Shimamori (Japan): The United Nations Year for Cultural Heritage, 2002, served to increase public awareness and to foster respect for the cultural heritage of humanity. In making the decision to observe the Year, we reaffirmed that we should all share in the responsibility for protecting that heritage. In the course of this year, we have continued to recognize the significant role cultural heritage plays not only in providing us with opportunities to appreciate different cultural traditions, but also in enhancing people's attachment to their own national identities and in giving them — especially those living in post-conflict situations — spiritual confidence.

Having said that, I would like to share several issues to which my Government attaches importance. First, it is noteworthy that the cultural landscape and archaeological remains of the Bamiyan Valley and Ashur (Qal'at Sherqat), respectively in Afghanistan and Iraq, both in the process of post-conflict reconstruction, were simultaneously inscribed on both the World Heritage List and the List of World Heritage in Danger during the twenty-seventh session of the United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage Committee, held in Paris this past July. We are encouraged by this news and hope that it will have a good effect on the peace-building efforts taking place in both countries and focus international attention on their situations.

With regard to the Bamiyan Valley, the Government of Japan decided to contribute approximately $1.8 million through the UNESCO Trust Fund for the Preservation of Cultural Heritage to help fund a project there. It will have three components: formulating a preliminary master plan for the preservation of the whole Valley; preserving the existing mural paintings in the caves; and consolidating the cliffs and niches of the rock wall where the destroyed Buddha used to be. Beginning this summer, a team of Japanese experts has twice been dispatched to the Bamiyan Valley to conduct the project, in cooperation with experts from other countries.

In Iraq, my Government has been concerned about the looting and destruction of that nation's cultural heritage and sought to take immediate action. Accordingly, Japan contributed $1 million to the UNESCO cultural heritage Trust Fund to finance projects that will rebuild the laboratory for the restoration of cultural properties of the Iraqi National Museum in Baghdad, which was badly damaged when the Museum was looted. The Government of Japan pays tribute to UNESCO, under the leadership of Director-General Koichiro Matsuura, for its quick response and the appeals it issued for assistance. Japan was honoured to join UNESCO in hosting the third meeting on the safeguarding of the Iraqi cultural heritage in Tokyo in August. We sincerely hope that the international efforts devoted to the protection of Iraqi cultural properties will be rewarded.

Let me also touch upon Cambodia as an instance in which the protection and rehabilitation of cultural heritage has played an important role in post-conflict reconstruction. Angkor, a symbol of national unity in Cambodia and a focal point of international cooperation for the restoration and preservation of historical monuments, has also become an important foothold for the social and economic development of Cambodia. We are happy to hear that the Government of France decided to host a meeting in Paris in November in commemoration of the tenth anniversary of the Intergovernmental Conference on the Safeguarding and Development of the Historic Site of Angkor, which Japan hosted in Tokyo in 1993. My Government welcomes the French initiative and stands ready to cooperate, as a co-chair of the meeting, in reviewing the process of safeguarding Angkor and discussing further efforts to be made.

The Government of Japan welcomes the adoption of the International Convention for the Safeguarding of the Intangible Cultural Heritage by the General Conference of UNESCO at its thirty-second session this month. I believe that the adoption of the Convention is the result of dedicated international efforts to preserve the world's intangible cultural heritage, which is often at risk of disappearing because of such unavoidable developments as industrialization and urbanization, but which should be regarded as the common asset of humankind. Japan adopted national legislation for the preservation of its own cultural heritage as early as 1950 and actively participated in the negotiations on the Convention. Furthermore, Japan has been financially supporting the efforts of UNESCO to preserve and promote the world's intangible cultural heritage, and I would like in this context to mention the Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity, which will be announced on 7 November in Paris. We are particularly pleased by the adoption of the Convention and hope it will help to promote the creativity of each culture as well as understanding among different cultures and civilizations.

Allow me to note here that Japan was elected as a member of the World Heritage Committee at the elections held at the fourteenth General Assembly of States Parties to the World Heritage Convention in Paris on 15 October. I would like to conclude my statement by reiterating the determination of the Government of Japan to redouble its efforts to contribute to the protection and conservation of the cultural heritage of humankind, and in so doing to follow up on the United Nations Year for Cultural Heritage.

Mr. Khanna (India): We in India thank the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO) for the overview he has provided on activities undertaken during the past two years to protect cultural heritage. The proclamation of 2002 as the United Nations Year for Cultural Heritage attests to the importance which the international community has attached to this matter. There is, in our view, a continuing need to give priority to programmes, activities and projects for the protection of cultural heritage.

It has been said that cultural heritage represents the historical record and understanding of the entire spirit of a people in terms of its values, actions, works, institutions, monuments and sites. The record of our history shows that India has always been a meeting place of different cultures. The Indic civilization is a result of several cultural fusions. It encompasses the philosophic tenets of both idealism and materialism, of religion and secularism, of the quest for its own identity and a search for integrative globalization. Pluralism, tolerance and respect for all religious, linguistic and cultural manifestations define our values. The spirit of our people and their faith in the fundamental unity of all mankind is encapsulated in the Sanskrit phrase "*vasudhaiva kutumbakam*", which means "the world is one family".

We share much of this cultural heritage with rest of the world. The values of liberal and participative democracy and of the rule of law belong to all of us. The commonality in our values has allowed for the codification of international instruments on human rights. To protect our cultural heritage is to also protect our common values. We need to do so particularly from the threat posed by those who seek to impose political ideology by murdering and terrorizing innocent civilians. The forces of terrorism deny the existence of a common thread of humanity and seek to destroy the cultural heritage of peaceful coexistence.

The preservation of our values also requires the preservation of the tangible forms of our cultural heritage. We are proud in India to be the inheritors of monuments and sites that attest to the achievements of our forefathers since the early dawn of civilization. There were, until last year, 23 Indian sites on the World Heritage List. We are happy that, four months ago, another Indian site, the rock shelters of Bhimbetka, was added to this list. These five clusters of natural rock shelters display paintings that date from the mesolithic period right through to the historical period. We are committed to the preservation of these expressions of our cultural heritage and continue to take new initiatives.

In February this year, Prime Minister Vajpayee launched the National Mission for Manuscripts. It is estimated that there are over 50 million manuscripts in India. The objective of the Mission is to document and catalogue Indian manuscripts, to facilitate their conservation and preservation and to promote ready access to them through publication, both in book and electronic form. We also plan to build a national manuscripts library.

A key reason for discussing tangible cultural heritage in a multilateral setting is the need for international cooperation to assist in efforts for its preservation. To value our common humanity is to value also the various tangible expressions of cultural achievement that exist in different parts of the world. This value is expressed through a willingness to assist developing countries to build their own capacities for safeguarding their cultural heritage.

We are happy to have been able to share our know-how on conservation and preservation with others. We are proud of India's role in the restoration of Angkor Wat. During the visit of Prime Minister Vajpayee to Cambodia last April, we also agreed to participate in the restoration of Ta Prom, another magnificent temple complex in the Angkor Park area. Through this participation, we recognize our common South Asian and South-East Asian cultural heritage.

We also believe that multilateral cooperation is necessary to preserve the expression of cultural heritage that is found in traditional knowledge. A seminar on the protection of traditional knowledge was held in New Delhi last year. The conclusions of the seminar underline the need to develop an internationally agreed instrument that recognizes the protection of traditional knowledge at the national level to prevent misappropriation and to ensure that national-level benefit-sharing mechanisms and laws are respected worldwide. The conventional forms of intellectual property rights are, in our view, inadequate and need to be developed further if we are to provide protection to those manifestations of cultural heritage. We have, along with some other developing countries, made a submission in this regard to the World Trade Organization Council for Trade-Related Aspects of Intellectual Property Rights.

The consideration by the General Assembly of issues that fall within the mandates of specialized agencies and other multilateral organizations is useful. It allows us, without getting into details, to come to a common and holistic understanding of the various aspects of such issues. This debate has also allowed us to recognize the important role that UNESCO plays in the preservation of cultural heritage and we would like to use this opportunity to further encourage the agency in its efforts.

The Acting President: We have heard the last speaker in the debate on this item.

I should like to inform representatives that, at the request of the sponsors, action on draft resolution A/58/L.11 has been postponed to a later date to be announced in the *Journal*.

Agenda item 43

Return or restitution of cultural property to the countries of origin

Note by the Secretary-General transmitting the report of the Director-General of the United Nations Educational, Scientific and Cultural Organization (A/58/314)

Mr. Vassilakis (Greece): Today, I have the honour and the pleasure to present, under agenda item 43, a draft resolution on the return or restitution of cultural property to the countries of origin.

The illicit removal of cultural property from its place of origin not only is a grave loss to the country concerned and its people, but also runs counter to all the principles that culture stands for. Cultural property taken out of context — that is to say, out of its natural environment — is stripped of its meaning and cut off from its natural, cultural and geographical background. Culture is the lifeblood of a nation; its removal rips out the nation's heart and obliterates its past.

Many factors can cause the impoverishment of a country: armed conflicts, natural disasters, famine and disease, to name but a few. However, in all these cases, impoverishment has a chance of being remedied by hard work, ingenuity and sudden wealth and, above all, if things turn out right in the future.

Unfortunately, in the case of impoverishment due to the illicit removal or destruction of cultural property, there is absolutely no way to remedy such a loss, which, besides a material aspect, also has cultural, historical and even political aspects because the people concerned — as I have already stated — are being deprived, actually stripped, of part of their past. One has only to think of the cruel destruction of the unique works of art in Afghanistan by the previous regime there to understand that such a loss will never be remedied, for those treasures can never be brought back.

It is only the restitution of cultural property, taken illicitly or through other forms from its place of origin, that will restore the damage caused. This will restore not only the damaged cultural identity and bring back the misappropriated cultural heritage, but also a sense of dignity to those who have the feeling of being deprived of their past. Therefore, it is of paramount importance that Member States continue to cooperate actively in a spirit of mutual understanding and dialogue to resolve issues of restitution of cultural property to the countries of origin. On the other hand, in many instances it is major political and other upheavals that have created the grounds for such clandestine, illicit operations. The loss, destruction and removal or illicit movement of cultural property are thriving, especially in areas facing armed conflict.

In the draft resolution, we have tried to emphasize this aspect, and in particular the latest efforts made by UNESCO and the international community for the protection of the cultural heritage of countries in conflict. Moreover, this year's draft resolution contains an overview of the relevant conventions signed by numerous Member States, such as the Convention for the Protection of Cultural Property in the Event of Armed Conflict and the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.

Furthermore, it makes reference to Security Council resolution 1483 (2003) relating to the restitution of Iraqi cultural property, as well as the Declaration Concerning the Intentional Destruction of Cultural Heritage, adopted on 17 October 2003, which addresses acts aimed at destroying in whole or in part cultural heritage, including cultural heritage linked to a natural site. It is an important step for all of us who believe that cultural heritage is a common treasure of humanity.

Public awareness is once more one of the key issues of the draft resolution, which takes into account, among other parameters, the achievements of the 2002 United Nations Year for Cultural Heritage. We hope that the international community will continue to cooperate with the United Nations and UNESCO for an increased mobilization and action in favour of heritage values, including through promoting the transmission of information concerning identification systems, the creation of Member States' cultural legislation database, as well as the operation of the Fund of the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation.

It goes without saying that cultural property constitutes a priceless asset for local, national and international communities alike. UNESCO has a unique responsibility as the sole United Nations agency

with the mandate of promoting the stewardship of the world's cultural resources at all levels. The responsibility for the safeguarding and return or restitution of cultural property to the countries of origin begins at the highest international level, but it also involves Governments, civil society, academic and artistic leadership and, of course, all of us who feel that we share a common cultural heritage.

I should like to express our appreciation to the Secretary-General, Mr. Kofi Annan, and to the Director-General of UNESCO, Mr. Koichiro Matsuura, for their constant and meaningful support for the issue, as shown in the relevant report transmitted to the Secretary-General (A/58/314) and in UNESCO's endeavours. I should also like to express our thanks to the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation, within the framework of UNESCO, for the recommendations adopted at its twelfth session, in Paris. Action on the draft resolution will be taken at a later stage. I believe that in the meantime, it will be met with decisive support.

Finally, we should like to express our deep appreciation and gratitude to the Member States that are co-sponsoring the draft resolution.

Mr. Kryzhanivsky (Ukraine): I have the honour to take the floor on behalf of the GUUAM States — the Republic of Azerbaijan, Georgia, the Republic of Moldova and Ukraine. At the outset, let me thank the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO) for the informative report before us (A/58/314) and for UNESCO's work on the return or restitution of cultural property to the countries of origin.

The issue that we are discussing today is very sensitive and has a long history. Ancient historical texts contain evidence that, since time immemorial, the laws of war have included the right to booty. Pillaging was part and parcel of military campaigns as conquered countries were sacked for treasure while the museums of the invaders were filled with the spoils of war. But there were also examples of quite a different nature. We may recall the action taken by Scipio Africanus Minor in the second century B.C. After taking Carthage in the course of the Third Punic War, he decided to return to Sicily the wealth that had been taken from it as a result of repeated pillaging by the Carthaginians.

Politically, legally, socially and ethically, the restitution of national cultural property to the countries of origin is an extraordinary delicate problem. That is why it should be dealt with appropriately in each specific case, taking duly into account the conditions of the acquisition of a masterpiece, regardless of whether it was stolen, bought, presented as a gift, found by archaeologists or appropriated as a result of, inter alia, military operations or colonial plundering. These problems should be solved on the basis of generally recognized principles of international law and with the application of civilized moral standards. There is a growing understanding that the restitution of cultural property dispersed throughout the world is a moral obligation of humanity.

A number of the GUUAM countries have already taken steps — or are in the process of taking them — towards the return or restitution of museum pieces, archives and art objects to the countries of origin. We are encouraging such return or restoration of cultural property through the mass media and educational and cultural institutions. In our opinion, that should be accompanied by the training of key personnel and technicians and the provision of the facilities necessary for adequate conservation and preservation of such property.

Our States are deeply concerned about the illicit traffic in cultural property — particularly in situations of armed conflict — and about the damage done to such property, which continues to impoverish the cultural heritage of all peoples. That is because the network for the trafficking in cultural property is international in scope. Our countries have made a number of efforts — including legislative measures — to fight the illicit traffic in art objects. We welcome UNESCO's efforts to promote the use of identification systems — particularly the Object ID system — in order to reduce the illicit traffic in cultural property, and we stress the need to intensify assistance in that regard. We are also grateful for its provision of technical and financial support to countries whose cultural heritage is endangered.

The GUUAM countries are working with UNESCO and the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation in order to promote bilateral negotiations and the return or restitution of cultural property, the preparation of inventories of moveable

cultural property, a reduction in the illicit traffic in cultural property and the dissemination of information to the public.

In our view, new thinking should be promoted among collectors, antiquarians and other persons who deal with the circulation of cultural property. It is important that we elaborate a kind of code of conduct for such groups, together with national legislative provisions aimed at preventing the illegal trade in artworks. The United Nations Year for Cultural Heritage 2002 contributed to that end by increasing public awareness of and action to preserve heritage values. The GUUAM States are also working to strengthen national legislation aimed at protecting our own heritage.

We believe that the restitution of art objects, monuments, museum pieces, archives, manuscripts, documents and any other cultural or artistic treasures to the countries of origin contributes to the strengthening of international cooperation by preserving and promoting universal cultural values. It is in that light that all of us should approach the issue under consideration. Otherwise, we will continue to be involved in endless discussions with no substantive outcome.

Mr. Mavroyiannis (Cyprus): The report transmitted to the Secretary-General on the return or restitution of cultural property to the countries of origin (A/58/314) delivers a hopeful message that much of what needs to be done is being done, and that important efforts to protect cultural property are well on their way to bearing fruitful results. Though we note that not all the provisions and goals set by General Assembly resolutions have been implemented, we believe that the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the Director-General, Mr. Matsuura, deserve to be commended for the significant progress achieved. We are gratified by both the contents of the progress report and the recommendations contained therein.

We welcome also the results of the twelfth special session of the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation, held in Paris from 25 to 28 March 2003. We are encouraged by the efforts of the Intergovernmental Committee to resolve issues of highly symbolic importance, such as that of the return of the Parthenon marbles. We commend UNESCO for its efforts to promote bilateral negotiations for the return or restitution of cultural property as a matter of principle and for providing all the legal and moral arguments favouring such restitution. It is to be congratulated also for increasing public awareness of this issue and for assisting in specific cases. We note with satisfaction that since March 2001, nine more States have joined the 1970 UNESCO Convention on the Protection of the World Cultural and Natural Heritage, and five more joined the Convention on Stolen or Illegally Exported Cultural Objects drawn up by UNIDROIT, the International Institute for the Unification of Private Law. These are positive developments that reinforce the campaign against illicit trafficking of cultural property.

Existing international conventions for the protection of world cultural property must be given our full support with the goal of increasing the number of ratifications and providing technical assistance to States with acute problems of illicit trafficking in archaeological objects, as well as aiding countries in armed conflict.

Cultural treasures are the visible footprints on the path of man through history. They testify to the ways found by those who preceded us to decode infinity, and they constitute the connecting link with the vertical dimension, with the ideals of beauty and humanism, embodying spiritual values and the best of human skills. They are therefore, at any given time, at any given place, the highest combined expression of the mind and of the work of human hands.

The destruction of cultural heritage is an old scourge that needs to be eradicated collectively by the international community in close cooperation with UNESCO, as well as with other relevant United Nations bodies and multilateral institutions. The return or restitution of cultural property is not a practice that seeks to empty the museums of the world. It is a notion based on the idea that the past enshrines and creates national identity and pride, and therefore some unique objects of the past should be returned to their rightful place in their countries of origin. The return or restitution of cultural property to the country of origin contributes to the strengthening of international cooperation, on both the multilateral and bilateral level.

In this context, I wish to mention the most recent renewal of a bilateral agreement between Cyprus and

the United States on restricting imports of Byzantine, ecclesiastical and ritual ethnological materials from Cyprus unless such material is accompanied by an export permit issued by the Government of Cyprus. The recent examples of dilution of the cultural heritage in Iraq and Afghanistan and several other examples have demonstrated that looting and destruction are not merely things of the past and illustrate the need to remain vigilant. We need to take more permanent measures required in the battle against the illicit trafficking of cultural heritage items. To this end, we stress once more the great need for inventories and databases and for the promotion of the Object ID standard in order to promptly identify objects that have been stolen. We also stress the usefulness of international expertise and cooperation in drafting and circulating national cultural property legislation.

Cyprus is one of the old and rich cradles of civilization. That legacy, in combination with the anguish caused by our recent experiences, has resulted in special sensitivity on issues of protection of cultural heritage. We appreciate that the cultural heritage of every country — its monuments and works of art — embodies the intellectual presence and the power of people who created it, and that at the same time it belongs to humankind and forms part of our common heritage. Hence we feel a heavy duty to do our utmost for the protection of cultural property everywhere in the world.

In Cyprus today, the cultural heritage of its occupied north is being barbarically violated. An ancient civilization that dates back 10,000 years continues to suffer under foreign occupation, and monuments and religious treasures are left to the mercy of vandals and looters. Cyprus's painful experience of the systematic destruction of its cultural heritage and its continuing struggle to save its stolen heritage from the international black market bring to the forefront the need for firm international cooperation against illicit trafficking in art and for stronger national cultural property legislation.

We count on international efforts to protect ecumenical civilization to contribute in saving the archaeological and ecclesiastical monuments and landmarks manifesting the rich cultural and historical background of Cyprus. We hope that the considerable efforts of the international community in the direction of returning cultural objects illegally removed from their rightful owners will be extended towards the salvation of these unique structures of human civilization.

In conclusion, let me remind this body of the words of the ancient poet Euripides, who said that "The fool is the one who sacks a city, making a desert of temples, pillaging the tombs, the sanctuaries of the dead, for he prepares his own doom in times to come."

Mr. Aboul Gheit (Egypt) (*spoke in Arabic*): We stated a few minutes ago something about a very important issue — the Protection of the World Cultural and Natural Heritage. This is closely related to what we are discussing now, which is the return of Cultural Property to its countries of origin or its restitution in case of illicit appropriation. This issue is connected, more than anything else, with the right of all peoples to hold on to their roots and to preserve their cultural property. Therefore, many international conventions have affirmed this right, starting from the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict and finishing with the universal declaration in the Convention on Stolen or Illegally Exported Cultural Objects, which was adopted in 1995 and entered into force in 1998. Egypt was and still is home to one of the oldest civilizations in history, a crossroads in which many cultures and civilizations have met and overlapped, including Greek, Roman, Islamic, Coptic and pharaonic and many other cultures and civilizations. They all merged into one human family, which left an invaluable legacy of treasures, artefacts and property to the whole world. All these are milestones that show the long exhausting road travelled by ancient Egyptian culture through the ages. There is nobody more deserving of owning their culture and legacy than the sons of this ancient Egyptian culture.

But many Egyptian archaeological artefacts have been illicitly taken out of Egypt throughout the years. If it were not for the abundance of Egyptian artefacts, Egypt would have no cultural artefacts or cultural property left after centuries of organized looting, plundering and feverish smuggling and trafficking of these artefacts.

Egypt has done its utmost to retrieve its cultural property that was illicitly taken out of the country. To that end, it engages in international bilateral dialogue with countries that currently have such property. Despite some fruitful results, we are still far from the level that we need to reach. As Egypt continues to restore and retrieve its cultural property, it calls upon

all States in which there are Egyptian archaeological artefacts that were illegally taken out of Egypt to show the highest degree of cooperation in this connection. There is no doubt that this just cause is a real test of the international community's willingness to uphold legality and the rule of law.

Mr. Amer (Libya) (*spoke in Arabic*): The Libyan delegation would like to express its satisfaction with the international community's rules that protect and restore culture and cultural legacies to their original countries.

There are now many conventions and agreements that are concerned with these valuable legacies. Among these is the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, the 1972 Convention concerning the Protection of the World Cultural and Natural Heritage, and also, in the last decade, the Convention on Stolen or Illegally Exported Cultural Objects. This shows the increasing international awareness of this issue and the will to restore cultural property to its people as part of their history, showing the richness of their civilization.

In our assessment of what has been done to implement the provisions of General Assembly resolution 56/97, my delegation would like to congratulate those countries that have adhered to the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention since 1970 and to the International Institute for the Unification of Private Law's Convention on cultural property. We would also like to express our support for the United Nations eagerness to take stock of cultural property and determine criteria for identifying artefacts that have been stolen. We call for the expansion of awareness programmes in all parts of civil society, especially among young people.

We welcome the Secretariat's proposal to have independent experts define principles with respect to cultural property that was transferred during the Second World War. In this context, we would like to commend UNESCO for its continuous efforts to encourage bilateral negotiations aimed at returning cultural property to the countries of origin and controlling illegal traffic in cultural property. We welcome the establishment of two training workshops on the identification of artefacts.

My delegation would like to welcome the establishment of an intergovernmental fund to encourage the restoration of cultural property and would like for this fund to receive additional contributions, especially in emergency cases. I would like to commend the briefing by the Secretariat concerning spreading awareness of the activities of this fund and hope that information materials would be made available in all six official languages of the United Nations. We believe that the directives and the procedural principles of this fund will help return cultural property to the countries from which this property was taken, either as a result of occupation or colonialism or by illegal means.

My country, like many other States in the world, has been exposed to widespread plundering of its cultural legacy. The conditions imposed by the colonialists on the Libyan people opened the door for the organized plundering of Libyan culture throughout history. Those who visit museums and documentation centres in Europe and North America will see manuscripts, artefacts and handicrafts that were created by the Libyan people. This huge and vast Libyan civilization has been completely concealed and hidden by this wide-scale plunder. But some of these artefacts can still be seen in Libya.

We should mention here that, during the last two decades of the eighteenth century, hundreds of sculptures were taken from the city of Shahhat in eastern Libya. Many pottery objects and marble pieces that tell the story of this old city were smuggled out and thousands of valuable coins and precious stones were taken. According to historical sources from 1860, dozens of marble columns from the city of Leptis Magna in west Libya are now in Britain, having been used to decorate the garden of one of that country's royal palaces. The same source also affirms that a European transferred from the same city hundreds of marble columns and thousands of small artefacts. Another European is said to have actually taken from Benghazi six hundred archaeological artefacts dating from the pre-historic age, which are now found in European museums.

In document A/58/314 the Secretary-General reviews what the intergovernmental committee has done to return such pieces to their countries of origin. We call upon countries to implement the UNESCO agreement of 1970, given the importance of the measures stipulated in this agreement concerning the

prohibition of exporting, importing and transferring such cultural property in an illegal manner. The Libyan delegation believes that the real problem of those pieces that were stolen or smuggled lies in the fact that most countries that have cultural treasures that belong to others have not shown any real will, given any response or taken any measures to respond to the relevant resolutions taken by the General Assembly on this item. Libya is one of the countries that has proposed putting this issue and the importance of the restoration of cultural property to the countries of origin on the General Assembly's agenda. What is worse, most countries that have cultural property that belongs to other countries have refused to adhere to the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, which has been in effect for more than three decades. This shows the real intentions of those countries that claim that they are the leaders of modern civilization and the preservers of the cultural heritage of mankind. Their ideas are still steeped in bygone history that witnessed the plundering of the cultural legacy and property of others.

Libya has an ancient cultural history that can be traced through manuscripts, jewels, works of art and other artefacts. We hope that countries with cultural property that belongs to us will restore it to us, because such artefacts were taken as plunder, which is a crime under international law. If there is any attempt to delay the restoration of that cultural legacy or deliberately to ignore 30 years of General Assembly resolutions on this matter, we will be forced to take other measures to have that property restored to us. We cannot sit idly by while those historical artefacts — the symbols of our identity and culture — remain stolen. We insist on our right to have that property returned to us.

Mr. Hannesson (Iceland): I would like briefly to describe the positive experience of Icelanders with regard to the restitution of cultural property.

Allow me to set the scene. In the twelfth and thirteenth centuries there was a remarkable flowering of literature in Iceland. During that period a number of writers, not all of whom are known by name, wrote down the Icelandic family sagas, which tell of the settlement of Iceland and of life in northern Europe during the ninth and tenth centuries. Those writers also preserved for future generations much of the ancient lore and poetry of Viking culture, which up to that point had been passed from generation to generation by word of mouth.

It is generally recognized that those works not only are important as the fount of Nordic literature but also represent a significant strand in European art and literature. For example, many scholars look on the Icelandic family sagas as the first true novels in the European tradition. The texts of the Edda and the Volsung preserve a much older oral tradition and are the chief sources of our knowledge of ancient Germanic traditions and culture. Thus the Icelandic manuscripts are both of major significance for European culture and central to Icelandic cultural heritage.

Those ancient texts, set down on calfskin, survived in Iceland in private homes for many hundreds of years, read and re-read. However, the very fact that the manuscripts were so dispersed, together with the poverty of Icelandic society at the time, prompted a number of Icelandic, Danish and Swedish scholars in the seventeenth and eighteenth centuries to search them out and preserve them for posterity. The manuscripts were then transferred to Copenhagen — it should be remembered that at that time Iceland was under the Danish crown. The University of Copenhagen established a special manuscript institute in the eighteenth century, named after the Icelandic scholar Arni Magnusson.

When, in 1918, Iceland became a sovereign State in union with the King of Denmark, and in 1944 an independent republic, many were of the opinion that the manuscripts should be returned to Iceland. Indeed, such discussions had started during the nineteenth century with the strengthening of nationalism. The decision was not an easy one for Denmark. Nevertheless, it was decided, after complex negotiations, that the bulk of the manuscripts, including the most important, should be returned, and that process was completed in the mid-1980s. Those manuscripts which were of most significance for Iceland were to be kept at the Arni Magnusson Institute in Reykjavik, and the remainder at the sister institute in Copenhagen. It was agreed that copies of all manuscripts should be available in both places.

The generosity exhibited by Denmark in this matter has, needless to say, had a very positive and lasting impact on Danish-Icelandic relations. Contacts continue on these matters, and this summer Danish

Prime Minister Rasmussen handed over to Prime Minister David Oddsson the original constitution of Iceland of 1874 to be kept in the national archives. In return, the Danes received various documents from the period 1904 to 1918, when Iceland was under so-called home rule.

Denmark's progressive and generous approach in these matters has not been limited to Iceland. For example, a few years back, Denmark returned one of the Faroe Islands' most treasured cultural artefacts, the Kirkjubøur chair.

I offer this short saga — which has a happy ending — to illustrate that the return of cultural property, even many centuries after it was removed from its country of origin, does credit to all involved and can create a new beginning for friendly cultural relations. The return of such artefacts is a powerful expression of respect for the cultural heritage of the country of origin, as well as a vote of confidence in that country as a worthy repository of cultural artefacts that may well have much wider significance.

Mr. Zenna (Ethiopia): It gives me great pleasure to address the Assembly on behalf of the Ethiopian delegation on the issue of the return or restitution of cultural property to its country of origin.

The General Assembly has considered the issue of restitution on several occasions and adopted resolutions underlining the need for the restitution of cultural property to the countries of origin. By its resolution 56/97 of 14 December 2001, the General Assembly called upon the United Nations and relevant bodies, agencies, funds and programmes, as well as other intergovernmental organizations, to work in coordination with the United Nations Educational, Scientific and Cultural Organization and to continue to address the issue of the return or restitution of cultural property to the countries of origin and to provide appropriate support to that end. We believe that that resolution and others adopted previously contribute to the continued promotion of the issue of the return or restitution of cultural property to the countries of origin.

There can be no doubt that cultural property taken away illegally must be unconditionally and immediately returned to where they belong. However, progress in this regard remains limited, and many of the historical and cultural objects removed from many countries, in particular African countries, over a period of many years are still shelved in various museums and similar institutions throughout the world.

We are concerned that, despite the various internationally agreed commitments, resolutions and decisions and the persistent calls by the countries of origin for the restoration of their lost heritage, no practical action has been forthcoming. The majority of the countries where the objects are located have shown hardly any intention to take concrete measures to return the properties to their rightful owners.

We believe that the situation calls for genuine international cooperation, concrete and practical measures, a coordinated approach at all levels and the willingness and commitment of the bodies concerned, all of which are important elements in ensuring the effective implementation of the resolutions, decisions and relevant legal instruments.

We applaud the commendable work of the United Nations Educational, Scientific and Cultural Organization (UNESCO), especially the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation. We attach particular importance to the considerable work being done in promoting bilateral negotiations for the return or restitution of cultural property to its countries of origin and the preparation of inventories of movable cultural properties.

Ethiopia has lost close to 5,000 cultural and historical objects, in particular to Europe and North America at different times and under varying circumstances. During the 1868 British incursion into Ethiopia and the brief occupation by Fascist Italy, a great number of Ethiopia's cultural and historical objects were taken away from the country.

Through the concerted and tireless efforts of the Government and civil society organizations in Ethiopia, foreign friends of Ethiopia and Ethiopians in the diaspora, we have been able to recover some of the objects, mainly from Europe. In this connection, the return of Emperor Tewodros II's amulet, a number of arks and other treasures can be mentioned.

The restitution, though encouraging, is minimal as compared to the great number of objects still located abroad. For our part, we will continue to make the utmost efforts to recover our treasures, which are part of the living symbols of our ancient civilizations and

identity. It is our fervent hope that the countries holding those objects will cooperate with us to realize this noble and just cause. We also appeal to the wider international community to extend its support to our effort to restore our cultural and historical relics that were taken illegally from the country.

Let me say a few words about the Axum obelisk, which was taken from Ethiopia in 1937 by Mussolini's Fascist army. After decades of repeated but unfulfilled promises by successive Italian Governments in the past, bilateral negotiations with the incumbent Italian Government, with a view to returning the obelisk, have come to a promising stage. The Italian Government seems to take the matter seriously and has already started the necessary technical and administrative preparations to return the obelisk to its rightful owner, Ethiopia. This is an encouraging development and we urge the Italian Government to bring the matter to a positive conclusion as soon as possible.

We believe that the return of the Axum obelisk will lead to a new chapter of bilateral cooperation between the two Governments and help further strengthen the longstanding and friendly relations between the two countries.

The Acting President: We have heard the last speaker in the debate on this item.

The Assembly has thus concluded this stage of its consideration of agenda item 43.

The meeting rose at 5.40 p.m.